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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/666,000      | 09/17/2003  | Hideki Zaitu         | 16869G-087900US     | 6604             |

20350 7590 01/09/2007  
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| EXAMINER |
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KAPADIA, VARSHA A

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2627

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 01/09/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/666,000 | <b>Applicant(s)</b><br>ZAITSU, HIDEKI |  |
|                              | <b>Examiner</b><br>Varsha A. Kapadia | <b>Art Unit</b><br>2627               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 13-14 is/are allowed.
- 6) ☒ Claim(s) 1,2,11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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This office action is responsive to the amendment filed on November 27, 2006.

### **Rejection Under 35 U.S.C. 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, recite that the write inhibit slice setting circuit sets write inhibit slice based on at least one of the information on a degree of proximity erasure by the head, and information on rewrite counts of the neighboring sectors as recited in the independent claim 11, or based on at least one of information on a write order of each sector. This limitation is in the alternative form and hence is much broader than the limitations recited in the independent claim 11. Therefore, claim 12 do not further limit the independent claim 11 and is indefinite.

### **Rejection Under 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishida et al.

With regards to claims 1 and 11, Nishida et al discloses a magnetic read/write apparatus (see fig.1) comprising: a recording medium (see fig. 1 element 3 and disclosure thereof); a head

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for writing/reading data (See element 5 in fig. 1 and disclosure thereof); and a write inhibit slice setting device for setting write inhibit slice for each sector (position within the track) based on a recording state of each sector on the medium; wherein the write inhibit slice setting device sets the write inhibit slice for each sector based on at least one of information on a degree of proximity erasure by the head, and information on rewrite counts of the neighboring sectors (see paragraphs [0012] to [0015], [0018]-[0019] and [0054]; wherein amount of offtrack with respect to neighboring track is considered information regarding the degree of proximity erasure by the head as claimed).

With regards to claim 2, Nishida et al further specify that different write inhibit slice is set for each sector (see paragraphs [0012] to [0014] and [0054]).

With regards to claim 12, Nishida et al discloses that the write inhibit slice is set based on at least one of information on a write order of the each sector, position information on neighboring sectors...(see abstract).

#### **Allowable Subject Matter**

Claims 9, 13-14 are allowed.

Claims 9, 13-14 are allowable over the prior art of the record for the same reasons recited in the office action mailed on September 7, 2005 and August 24, 2006, respectively.

#### **Response to Remarks**

Applicant's arguments filed on November 27, 2006 have been fully considered but they are not persuasive. In response to applicant's argument that the reference to Nishida et al. fails to teach or suggest that the write inhibit slice is set based upon information regarding the degree of proximity erasure by the head, or information on the rewrite counts of neighboring sectors.

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Examiner respectfully disagree, because Nishida et al in the abstract and in the paragraphs [0012], [0014], [0018]-[0019], [0054] and in figs. 5a-5c disclose that the write inhibit slice is set based upon amount of offtrack; wherein amount of offtrack with respect to neighboring track is considered information regarding the degree of proximity erasure by the head as claimed. Rejection is therefore considered proper.

### Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571) 272-7557. The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571 272 4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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1105/07